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| 09/927,492 | 08/13/2001 | Hiroyuki Takakura | 826.1740 | 5320 |

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| EXAMINER |
|---|
| LAM, ANDREW H |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2625 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 01/25/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *08 November 2006*.

2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-7 and 9-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

- This action is responsive to the following communication: an RCE filed on

  11/08/06.

- Claims 1-7, 9-24 are pending in the present application. Claims 25-26 are

  canceled.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 and 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Philyaw (U.S. Patent No. 6,845,388) hereinafter Philyaw in view of Ikeda (U.S.

Patent No. 5,938,727) hereinafter Ikeda.

Regarding claims 1 and 4, Philyaw discloses an information conveying system in

which an information provider side conveys information to a consumer side via a

distribution material distributed by an information distributor, and a bi-directional

information exchange between the information provider side and the consumer side is

made (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column

23, lines 34-63), comprising a converting unit, on at least one of the information provider

side and the information distributor side, converting conveyance information conveyed

from the information provider side to the consumer side into pattern information

recording digital data as a multidimensional code (column 8, lines 1-47, column 17, lines

1-67, column 20, lines 32-58, and column 23, lines 34-63), a restoring unit, on the

consumer side, restoring the pattern information (column 17, line 47-column 18, line

26), and a returning unit, on the consumer side, returning reply information of the

conveyance information to at least one of the information provider side and the

information distributor side based on the conveyance information that the restoring unit

restores from the pattern information (column 17, line 47-column 18, line 26, and

column 23, lines 34-63), wherein the conveyance information includes provision

information that the information provider side provides to the consumer side (column 17,

line 47-column 18, line 26) and return information for returning the reply information

(column 18, lines 1-46).

However, Philyaw fails to expressly disclose if the multidimensional code is

recorded in at least two directions. Ikeda discloses an information conveying system in

which an information provider side conveys information to a consumer side via a

distribution material distributed by an information distributor (column 4, line 29-column

5, line 19), and a bi-directional information exchange between the information provider

side and the consumer side is made (column 4, line 41-column 5, line 19), comprising a

converting unit, on at least one of the information provider side and the information

distributor side, converting conveyance information conveyed from the information

provider side to the consumer side into pattern information recording digital data as a

multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code

being recorded in at least two directions (column 5, line 31-column 6, line column 7, line

25).

Philyaw & Ikeda are combinable because they are from the same field of endeavor, being systems that distribute products having digitally encoded bar codes that are subsequently scanned by a consumer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the two-dimensional bar code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so would have been that a two-dimensional bar-code has sufficient storage capacity to include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49. Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 1.

Regarding claims 2, 5 and 21, Philyaw discloses a server (ARS 308) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting unit converting the conveyance information to be conveyed to the consumer side into pattern information in a multidimensional code (column 8, lines 1-4.7, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and an accumulation unit accumulating information returned from the consumer side in response to the conveyance information restored from the pattern information (column 8, lines 1-47, an column 18, lines 40-46, and column 21, lines 1-28), wherein the conveyance information includes provision information that the information provider side provides to the consumer side (column 17, line 47-column 18, line 26) and return information for returning the reply information (column 18, lines 1-46).

However, Philyaw fails to expressly disclose if the multidimensional code is

recorded in at least two directions. Ikeda discloses a server (being the site of the WWW

homepage) in an information conveying system conveying conveyance information to a

consumer side, and receiving a reply to the conveyance information comprising a

converting unit converting the conveyance information to be conveyed to the consumer

side into pattern information in a multidimensional code (column 4, line 29-column 5,

line 19), the multidimensional code being recorded in at least two directions (column 5,

line 31-column 6, line column 7, line 25).

Philyaw & Ikeda are combinable because they are from the same field of

endeavor, being systems that distribute products having digitally encoded bar codes

that are subsequently scanned by a consumer. At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to use the two-dimensional bar

code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so

would have been that that a two-dimensional bar-code has sufficient storage capacity to

include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49.

Therefore, it would have been obvious to combine the teachings of Ikeda with the

system of Philyaw to obtain the invention as specified in claim 2.

Regarding claims 3, 6, 20, 22 and 24, Philyaw discloses a terminal used by a

consumer side in an information conveying system making a bi-directional information

exchange between an information provider side and the consumer side (column 8, lines

1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63),

comprising a restoring unit restoring conveyance information from pattern information

printed in a multidimensional code (column 17, line 47-column 18, line 26), and a

returning unit returning reply information to the information provider side based on the

conveyance information that the restoring unit restored from the pattern information

(column 17, line 47-column 18, line 26, and column 23, lines 34-63), wherein the

conveyance information includes provision information that the information provider side

provides to the consumer side (column 17, line 47-column 18, line 26) and return

information for returning the reply information (column 18, lines 1-46).

However, Philyaw fails to expressly disclose if the multidimensional code is

recorded in at least two directions. Ikeda discloses a terminal used by a consumer side

in an information conveying system making a bi-directional information exchange

between an information provider side and the consumer side (column 4, line 41-column

5, line 19), comprising a restoring unit restoring conveyance information from pattern

information printed in a multidimensional code (column 4, line 29-column 5, line 19), the

multidimensional code being recorded in at least two directions on distribution material

(column 5, line 31-column 6, line column 7, line 25).

Philyaw & Ikeda are combinable because they are from the same field of

endeavor, being systems that distribute products having digitally encoded bar codes

that are subsequently scanned by a consumer. At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to use the two-dimensional bar

code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so

would have been that that a two-dimensional bar-code has sufficient storage capacity to

include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49.

Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 3.

Regarding claim 7, Philyaw discloses an information conveying method with which an information provider side conveys information to a consumer side via a distribution material distributed by an information distributor side (see Fig. 16, and column 16, line 47-column 17, line 17), comprising converting at the information provider side or the information distributor side, conveyance information to be conveyed from the information provider side to the consumer side into pattern information recording digital data as multidimensional code (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and restoring, at the consumer side, the conveyance information from the pattern information printed on the distribution material (column 17, lines 18-46), and returning, from the consumer side, reply information of the conveyance information to at least one of the information provider side and the information distributor side based on the conveyance information restored from the pattern information (column 18, line l-column 19, line 14, and column 20, lines 47-58), wherein the conveyance information includes provision information that the information provider side provides to the consumer side (column 17, line 47-column 18, line 26) and return information for returning the reply information (column 18, lines 1-46).

However, Philyaw fails to expressly disclose if the multidimensional code is recorded in at least two directions. Ikeda discloses an information conveying method with which an information provider side conveys information to a consumer side via a

distribution material distributed by an information distributor side (column 4, line 29-column 5, line 19), comprising converting, at the information provider side or the information distributor side, conveyance information to be conveyed from the information provider side to the consumer side into pattern information recording digital data as a multidimensional code (column 4, line 29-column 5, line 19), the multidimensional code being recorded in at least two directions (column 5, line 31-column 6, line column 7, line 25).

Philyaw & Ikeda are combinable because they are from the same field of endeavor, being systems that distribute products having digitally encoded bar codes that are subsequently scanned by a consumer. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the two-dimensional bar code of Ikeda, within the system of Philyaw. The suggestion/motivation for doing so would have been that that a two-dimensional bar-code has sufficient storage capacity to include a number of various identifiers, as recognized by Ikeda in column 5, lines 31-49. Therefore, it would have been obvious to combine the teachings of Ikeda with the system of Philyaw to obtain the invention as specified in claim 7.

Regarding claim 9, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the provision information is multimedia information including at least one of character information, still image information, moving image information, and audio information (column 17, line 1-column 18, line 26, and column 20, lines 32-46).

Regarding claim 10, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the storage program returns the reply information by making a connection to a network if the consumer side can make the connection to the network (column 22, line 55-column 23, line 63), or presents information required for returning the reply information with a method which does not make a connection to the network if the consumer side cannot make the connection to the network (column 23, line 34-column 24, line 10).

Regarding claim 11, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the storage program identifies a terminal of the consumer side (column 15, lines 2-62, column 17, lines 26-59, column 20, line 47-column 21, line 41).

Regarding claim 12, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the information provider side assigns a distribution material identifier for identifying a type of the distribution material to the distribution material (column 17, line 17-59, column 18, lines 15-58, and column 20, lines 32-58) and converts the distribution material identifier into pattern information along with the conveyance information (column 17, line 17-59, column 18, lines 15-58, and column 20, lines 32-58).

Regarding claim 13, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the information provider side accumulates the reply information that the consumer side returns (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

Regarding claim 14, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the conveyance information includes questionnaire information for the consumer side (column 13, lines 9-53), and the return information includes a reply result of the questionnaire information (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding claim 15, Philyaw and Ikeda disclose the method discussed above in claim 14, and Philyaw further teaches that the information provider side assigns an identifier to each type of the questionnaire information (column 13, lines 9-53), and converts the identifier into pattern information along with the conveyance information (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding claim 16, Philyaw and Ikeda disclose the method discussed above in claim 15, and Philyaw further teaches that the return information includes the identifier along with the reply result, and the information provider side adds up the reply result by using the identifier (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding claim 17, Philyaw and Ikeda disclose the method discussed above in claim 7, and Philyaw further teaches that the conveyance information includes information for determining winning/losing of a prize (column 15, lines 11-62), and a winning/losing determination program for determining winning/losing of a prize according to the information for determining the winning/losing of a prize (column 15, lines 11-62, and column 18, line 27-column 19, line 32), and identification information set on the consumer side (column 13, lines 9-53, column 15, lines 11-62, and column 18, line 27-column 19, line 32).

Regarding claim 18, Philyaw and Ikeda disclose the method discussed above in claim 17,and Philyaw further teaches that the winning/losing determination program immediately notifies the consumer side of a determination result when determining winning/losing of a prize (column 5, lines 11-62).

Regarding claim 19, Philyaw and Ikeda disclose the method discussed above in claim 17, and Philyaw further teaches that when the identification information is not set on the consumer side, the winning/losing determination program assigns the identification information via a network if the consumer side can make a connection to the network (column 15, lines 11-62, and column 22, line 55-column 23, line 63), or presents information required for assigning the identification information with a method which does not make a connection to the network if the consumer side cannot make the connection to the network (column 15, lines 11-62, and column 23, line 34-column 24, line 10).

Regarding claim 23, Philyaw and Ikeda disclose the medium discussed above in claim 21, and Philyaw further teaches of embedding a storage program into the program, if the conveyance information restored from the pattern information includes the storage program (column 17, line 47-column 18, line 46, column 22, lines 2-55, and column 26, lines 34-6).

### Response to Arguments

Applicant's arguments, see pages 9-11, filed 11/08/06, with respect to the rejection(s) of claims 1-7 and 9-24 under 103(a) have been fully considered and are not persuasive.

Regarding claims 1, 3, 4, 6, 7, 20, 22 and 24, the applicant argued the cited prior

art (U.S. Patent No. 5,938,727, Ikeda) fails to teach and/or suggest "wherein the

conveyance information includes provision information that the information provider side

provides to the consumer side and return information for returning the reply

information".

In response to applicant's argument it is Philyaw (U.S. Patent No. 6,845,388) that

teaches wherein the conveyance information includes provision information that the

information provider side provides to the consumer side (column 17, line 47-column 18,

line 26) and return information for returning the reply information (column 18, lines 1-46).

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew H. Lam whose telephone number is (571) 272-

8569. The examiner can normally be reached on M-F (9:30-7:00).
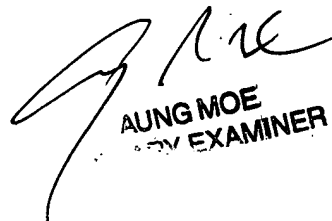
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Aung S. Moe can be reached on (571) 272-7314. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/19/07

AUNG MOE
PRIMARY EXAMINER